



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,121	03/11/2004	Andre Lavoie	028750.0026-US04	8801

26853 7590 04/18/2007
COVINGTON & BURLING, LLP
ATTN: PATENT DOCKETING
1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2401

EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
----------	--------------

2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/798,121	Applicant(s) LAVOIE ET AL.	
	Examiner Matthew J. Ludwig	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed October 13, 2006.
2. Claims 1-39 are pending in the application. Claims 1 and 39 are independent claims.
3. Claims 1-39 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen et al., USPN 6,834,371 filed (8/31/2000).**

In reference to independent claim 1, Jensen teaches:

The reference provides a means of recording audio clips recorded for one or more of the created slides, either concurrently with the creation of the slide, or after the slides are completed (compare to "*security disclosure data in an audio format*"). See column 5, lines 30-38. The reference fails to explicitly state *security disclosure data*; however, the audio data recording device would provide a proficient means for recording any kind of data coming from the author of the presentation. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the well know audio recording device taught by Jensen and record security disclosure data for a synchronized multimedia presentation.

Processor generates a link between the audio data and the corresponding screen slide, and stores that link, either with the audio clip itself, or in a separate linked file (compare to “a processor for receiving the audio security disclosure data and for inserting a first marker”). See column 3, lines 52-67.

The text for each slide may be preceded by an appropriate header or the like so that a link is maintained between the text data and the particular screen like from which that text data originated (compare to “said processor for creating a text from the audio security disclosure data and for inserting a second marker in the text in a position corresponding to a location of the first marker in the audio security information”). See column 4, lines 40-67.

In reference to dependent claim 2, Jensen teaches:

Processor copies the text from the selected screen slides as searchable text data into the text object. An appropriate header or the like may precede the text for each slide so that a link is maintained between the text data and the particular screen slide from which that text data originated. See column 4, lines 40-56.

In reference to dependent claim 3, Jensen teaches:

Once the author has selected a particular screen slide, operation proceeds and processor receives an audio clip to be linked with that screen slide. A suitable icon is preferably displayed on the screen to alert the author that they can begin speaking the desired audio clip. See column 3, lines 52-67.

In reference to dependent claim 4, Jensen teaches:

Based on the particular tag read by the export process, corresponding meta data is retrieved from the play list object and inserted into the template, along with references to the

Art Unit: 2178

appropriate files, for example, a slide file or the data file containing the actual text data. See column 6, lines 19-30.

In reference to dependent claim 5, Jensen teaches:

Once the slide and corresponding portion of the audio file are presented to the recipient, the presentation may be continued, sequentially from the selected slide to the end of the presentation, or operation may proceed back to query block to allow the recipient to search for another text string. See column 10, lines 44-67.

In reference to dependent claim 6, Jensen teaches:

Processor generates a link between the audio data and the corresponding screen slide, and stores that link. See column 3, lines 60-67.

In reference to dependent claim 7, Jensen teaches:

Corresponding meta data is retrieved from the play list object and inserted into the template, along with references to the appropriate files. See column 6, lines 19-26.

In reference to dependent claim 8, Jensen teaches:

The play list object includes a media object to store the audio clips, a screen slide object to store the screen images, and a text object to store the text contained in the various screen slides. The media, text, and screen objects also store timing information that defines the temporal relationships between the respective types of data. See column 4, lines 30-56.

In reference to dependent claim 9, Jensen teaches:

The play list object includes a media object to store the audio clips, a screen slide object to store the screen images, and a text object to store the text contained in the various screen

Art Unit: 2178

slides. The media, text, and screen objects also store timing information that defines the temporal relationships between the respective types of data. See column 4, lines 30-56.

In reference to dependent claim 10, Jensen teaches:

An appropriate header or the like may precede the text for each slide so that a link is maintained between the text data and the particular screen slide from which that text data originated. See column 4, lines 40-50.

In reference to dependent claim 11-39, the claims recite similar limitations for carrying out a synchronized media presentation as claimed in 1-10. Therefore, the claims are rejected under similar rationale.

Response to Arguments

6. Applicant's arguments filed 10/13/2006 have been fully considered but they are not persuasive.

Applicant argues the limitation found within independent claim 1 and 39, which states 'a processor for receiving the audio security disclosure data and for inserting a first marker therein'. More specifically, applicant states the Jensen reference includes audio clips, which are not before any text that may appear in Jensen's slides. Accordingly, Jensen's audio clips do not exist before and thus cannot serve as the basis for the creation of any text. The limitations within the independent claim (as presently claimed) fail to preclude the examiner from utilizing the Jensen reference to teach a processor for receiving the audio security disclosure data and for inserting a first marker therein; and said processor for creating text from the audio security disclosure data and for inserting a second marker in the text in a position corresponding to a location of the first

marker in the audio security disclosure data. The processor of Jensen is set up to receive the audio clips recorded concurrently with the creation of a slide or text. The processor generates a link between the audio data and the corresponding screen slide and stores the link, either with the audio clip itself, or in a separate linked file. Applicant argues one event has to happen prior to another event happening. More specifically, the audio security disclosure data has to be received prior to creating a text from the audio security disclosure data and for inserting a second marker. However, the processor, as claimed, only states it is for receiving the audio security disclosure data and for inserting a second marker in the text in a position. Also, the independent claim states a processor for creating a text from the audio security disclosure data and for inserting a second marker. There is no mention of what happens first and what the processor is doing with the data. Jensen provides a processor, which accepts text for each slide, and audio data related to the text data. Therefore, the Jensen reference provides a means for text to be created from audio clips concurrently. Finally, if the author was to provide a security password or security information than the audio data recorded into the microphone and the creation of the slide could be related to "security disclosure data". The author could record anything he or she would like into the microphone and it could be related to security disclosure data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the well known audio recording device taught by Jensen and recorded security disclosure data for archiving multimedia presentations using a computer processor.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML

January 3, 2007



STEPHEN HONG
SUPERVISORY PATENT EXAMINER